

## EXHIBIT 5

October 23, 1979 EPA approval letter

Robert F. Fleck  
Commissioner  
New York State Department of  
Environmental Conservation  
50 Wolf Road  
Albany, New York 12233

Dear Commissar Flacke:

My staff has alerted me to the serious environmental and health problems that exist because of PCB contamination at several sites in the West Glens Falls, New York area. I appreciate the efforts of the DEC and the New York State Department of Health in identifying the scope of these problems and in seeking to implement prompt and comprehensive remedies for the hazards that have been identified.

In particular, it is clear to me that swiftly-implemented solutions are necessary to stop PCB volatilization in the area and to protect local residents. The plan proposed by the DEC for dealing with the volatilization problem (and other related PCB contamination problems), submitted by letter of August 2, 1979 and supplemented by additional information on August 17, 1979, has been carefully reviewed by my staff. This plan provides for removal of PCB-contaminated soil from the affected sites in the West Glens Falls area and placement of this soil in the newly-created West Glens Falls PCB Disposal Site (hereinafter "the Site").

attachment C

My staff's evaluation has deemed this plan to be a sound one. However, placement of PCB's in the Site can be legally accomplished only if that site is approved by me, as the appropriate EPA Regional Administrator, pursuant to 40 CFR §761.41. While the Site does not meet all of the requirements of 40 CFR §761.41(b) for approvable landfills, I have decided that the emergency situation in West Glens Falls and my finding that operation of the landfill will not present an unreasonable risk of injury to health or the environment from PCB's justifies my waiver of certain of the 40 CFR §761.41(b) requirements and my approval of the Site. Specifically, I am waiving the following requirements:

- a) The Site's orientation to the high groundwater table and its location within a groundwater recharge area are not in strict compliance with the requirements of 40 CFR §761.41(b)(3). However, because the Site is designed to collect internal leachate via a gravity-flow drainage field that empties into standpipes, and because the Site is equipped with a clay liner of sufficient thickness and impermeability to impede leachate migration, it is my assessment that the Site design will prevent leachate contamination of ground or surface water.
- b) The requirements of 40 CFR §761.41(b)(6)(iii) for analysis of chlorinated organics, specific conductance and pH will not be met. However, the leak detection system (an additional safeguard which is not required by the regulation) included in the landfill design will provide an adequate indication of the leakage of contaminated materials.

My approval of the West Glens Falls PCB Disposal Site is contingent upon the following conditions being met and modifications made:

- a) The ability of the internal leachate collection system (in particular the standpipe design) to withstand the stresses that could develop due to the weight of existing and proposed soil and waste layers, compaction equipment, other vehicles at the Site, etc., must be established before installation of the collection system begins. A safety factor of at least 1.5 should be used. The maximum height allowed for the landfill cap must be taken into consideration in arriving at the safety factor.
- b) A serious potential for erosion exists at the interface of the compacted clay dike and the one-foot gravel layer. This situation should be remedied by either utilizing a drainage swale or by redesigning the diked area to establish a milder unbroken slope.

- c) A percolation box (see p. 216 of "Procedures Manual for Groundwater Monitoring at Solid Waste Disposal Facilities," EPA/530/SW-611) must be installed beneath the one-foot clay cover to be placed on the Site in order to detect the amount of precipitation penetrating through the cover of the Site.
- d) The clay/soil placed at the Site shall have a permeability equal to or less than  $1 \times 10^{-7}$  cm./sec.
- e) Within 30 days of receipt of this letter, the following information and reports should be submitted to EPA, Region II:
  - 1) Background monitoring data for PCBs in the groundwater and in the surface water (Halfway Creek) at the Site prior to the placement of PCB-contaminated wastes.
  - 2) An indication of the procedures utilized or to be utilized to insure removal of all PCB-contaminated materials from the sites excavated in the West Glens Falls area.
  - 3) Specifications for the construction of the monitoring wells to be installed.
  - 4) An emergency plan for responding to leaks in the upper clay liner. This plan should call for the use of a sump pump in order to prevent the accumulation of leachate in the sand lens.
  - 5) A geological profile of the in-situ earthen materials underlying the Site (based upon boring log data), as well as an analysis of the grain size and permeability of the in-situ earthen material.
  - 6) A map of the Site, designating the location of existing private wells and the location of monitoring wells to be installed on site.
- f) Within 60 days of the completion of transportation of PCB-contaminated soil to the Site, a report should be submitted indicating the following:
  - 1) The results of a gas chromatography-mass spectroscopy analysis for PCBs and priority pollutants of a composited sample of at least every tenth transport load of PCB-contaminated soil brought to the Site.

- 2) The procedures to be used for sampling and analyzing private wells in the vicinity of the Site for PCBs on a semiannual basis.
- g) A report shall be submitted monthly for as long as the Site contains PCBs, providing the following information:
  - 1) A composite sample analysis for the presence of PCBs in the downgradient monitoring wells.
  - 2) A composite sample analysis for PCBs in the internal leachate collection system.
  - 3) An analysis for PCBs of the water in Halfway Creek.
  - 4) A sample analysis for the presence of PCBs in the up-gradient monitoring well.
  - 5) The water elevations in each of the monitoring wells, and the leachate elevations in the internal leachate collection standpipes and the percolation box referred to in paragraph c), above.
  - 6) The approximate total precipitation during the previous month at the Site.
  - 7) An indication of whether any leachate was present in the leak detection system during recent inspections.

All submittals required by this letter shall be made to:


Chief  
Permits Administration Branch  
Planning and Management Division  
U.S. Environmental Protection Agency  
Region II  
26 Federal Plaza  
New York, New York 10007

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Your staff has indicated that the DEC does not consider the West Glens Falls PCB Disposal Site to be a permanent disposal site for PCB-contaminated soils. I fully agree with this position. As soon as it becomes feasible to move the PCBs at the Site to a chemical waste landfill or high temperature incinerator which has been approved as a general purpose PCB disposal site, this should be done. In addition, you should be aware that should any major leak develop at the Site, creating the threat of contamination of the surrounding environment, then excavation of contaminated material and transport of the material to another site may be necessary.

Should your staff have any further questions regarding the contents of this approval, please call Mr. William J. Friedman at (212) 264-1940 or Ms. Catherine Massimino at (212) 264-0504.

At your service,



Richard T. Dewling, Ph.D.  
Acting Regional Administrator